

WC-15J

Michael Wiggins Jr., Chairman
Bad River Band of Lake Superior Tribe of Chippewa Indians
P.O. Box 39
Odanah, Wisconsin 54861

Dear Chairman Wiggins:

On behalf of Susan Hedman, thank you for your July 1, 2014, letter requesting an extension of the completion date for work required under the modified Compliance Plan issued by the U.S. Environmental Protection Agency on February 7, 2014. The modified Compliance Plan identified Clean Water Act (CWA) violations at the Bad River Band's three wastewater treatment facilities, and outlined a timetable for specific actions required to resolve these violations by June 30, 2014.

Your letter stated that an extension of the final completion date to September 30, 2014, is necessary due to delays in the schedule for lowering water levels in the existing lagoon. The lagoon must be lowered to the 2-ft level to allow the digester basin to be emptied before work on the digester can begin at the Bad River Wastewater Treatment Plant. In discussions with your staff we learned that the late winter thaw caused the delay in the schedule for treatment of phosphorus in the lagoon, which is now underway. Your staff confirmed that Control System Upgrade equipment ordering and programming was completed in June, and that construction of remaining mechanical work will begin once the lagoon is lowered. We expect these developments will be discussed in your next Progress Report, due on August 15, 2014.

EPA reviewed your request and approves the extension of the final completion date to September 30, 2014. Accordingly, please find the enclosed modified Compliance Plan that describes the specific steps that the Band must take to complete the scheduled tasks by September 30, 2014. Under the modified plan the Final Compliance Status Report for the Bad River WWTP is due on November 14, 2014. EPA will continue to monitor each step and associated milestone and all other CWA requirements applicable to the facility. As reflected in the modified Compliance Plan, if milestones are missed or additional violations occur, EPA may take formal enforcement against the Band to ensure compliance with the CWA and protect human health and the environment.

EPA plans to conduct an inspection of the wastewater facilities in August and will coordinate with your staff on scheduling. If you or your staff have questions concerning any requirements in the modified Compliance Plan or the upcoming inspection, please contact Dean Maraldo at (312) 353-2098. Legal inquiries should be directed to Barbara Wester, Associate Regional Counsel, at (312) 353-8514.

Sincerely,

Tinka G. Hyde
Director, Water Division

Enclosure
Modified Compliance Plan (July 2014)

cc: Pat Hunt, Operations Manager, Bad River Utilities
Craig Morin, IHS Bemidji Area Office
Ervin Soulier, Natural Resources Director, Bad River Band